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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,841	03/30/2001	Toshifumi Suganaga	57454-025	7044

7590 05/13/2003
McDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

MATHEWS, ALAN A

ART UNIT PAPER NUMBER

2851

DATE MAILED: 05/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/820,841		SUGANAGA, TOSHIFUMI	
	Examiner		Art Unit	
	Alan A. Mathews		2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 3-5 and 9-12 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-8 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of the invention of Group I in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 3 -5 and 9-12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was effectively made **without** traverse in Paper No. 4.

Specification

2. The Examiner questions whether Applicant intended to recite "Figs. 6 and 7" on lines 27 and 29 of page 8 of the specification. Figures 6 illustrates an effect of the light exposure control method according to a second embodiment, while figure 7 is a block diagram showing a control unit of an exposure apparatus according to a third embodiment. Figures 8 and 9 show the conventional exposure apparatus, with figure 9 specifically showing only a single illuminance meter 130A. The Examiner requests clarification as to whether Applicant intended to recite "Figs 6 and 7", or whether Applicant intended to recite other figures.

Claim Rejections - 35 USC § 112

3. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 4, “single said optical system” is vague. In particular, it is not clear what the term “single” is describing.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sakai et al. (U. S. Patent No. 5,925,887). Sakai et al. discloses in figure 1 and column 4, lines 27-32, an element 22 which is an array of photoelectric converting elements such as CCDs (the array hereinafter will be referred to as “CCD22”). Since an array would comprise many CCDs, the array would at least comprise at least two CCDs. These at least two CCDs could be considered “at least two illuminance meters”. And the at least two CCDs are provided on the emission side of optical

Art Unit: 2851

system 4. Column 5, line 4 discloses detecting an **average** of the light intensity distributions. Column 5, lines 12-22 discloses main controller 34 which controls the light exposure on the basis of information obtained from the average illuminance operation means.

6. Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Nishi (U. S. Patent No. 6,115,107). Nishi discloses in figure 1 meters 7 and 18, which would be “at least two illuminance meters”. The optical system includes both 10 and 17. As shown in figure 4, the system 17 includes optical elements (such as 31). Therefore, element 17 could be considered to be part of the optical system. Applicant has not defined his optical system to define over the combination of elements 17 and 10. Meters 7 and 18 are on the emission side of the optical system. Light exposure control means 12 and 15 controls the light exposure on the basis of information obtained from elements 7 and 18. Column 15, line 67, and column 16, line 3, discloses calculating an average illumination. This average illumination calculating means also applies to illumination sensor 7 (see figure 5(b) and column 16, lines 19-24). It is also noted that figure 11 discloses another embodiment having two illumination meters 2 and A1 on the emission side of optical system 10.

Allowable Subject Matter

7. Claims 6-8 are allowed. Claim 2 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Art Unit: 2851

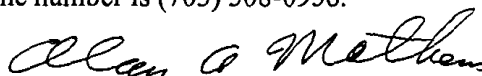
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Harano et al., Takahashi et al., Nishi (U. S. Patent No. 5,861,944), and Mori are cited to show illumination meters. .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan A. Mathews whose telephone number is (703) 308-1706. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Alan A. Mathews
Primary Examiner
Art Unit 2851

AAM
May 10, 2003